

ISMAIL J. RAMSEY (CABN 189820)
United States Attorney

MARTHA BOERSCH (CABN 126569)
Chief, Criminal Division

CHRISTIAAN HIGHSITH (CABN 296282)
DAVID WARD (CABN 239504)
Assistant United States Attorneys

MATTHEW CHOU (CABN 325199)
Special Assistant United States Attorney

450 Golden Gate Avenue, Box 36055
San Francisco, California 94102-3495
Telephone: (415) 436-7200
FAX: (415) 436-7230
christiann.hightsmith@usdoj.gov
david.ward@usdoj.gov

Attorneys for United States of America

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,
Plaintiff,
v.
ROWLAND MARCUS ANDRADE
Defendant.

) NO. CR 20-00249 RS
)
)
)
)
**DECLARATION OF AUSA CHRISTIAAN
HIGHSMITH IN SUPPORT OF UNITED
STATES' MOTION FOR RULE 15
DEPOSITION**
)
)
Dept.: Courtroom 3 – 17th Floor
Judge: Hon. Richard Seeborg
)
Trial Date: February 10, 2025
Pretrial Conf: January 22, 2025
)

I, Christiaan Highsmith, declare and state as follows:

I am an Assistant United States Attorney for the Northern District of California assigned to the prosecution of the above-captioned case.

- 1 1. Attached as **Exhibit 1** and filed under seal is a true and correct copy of an FBI 302
2 summarizing an interview of Jack Abramoff on November 14, 2024, and produced to
3 defendant Andrade as Bates-number FBI-302-027578 to FBI-302-027586.
- 4 2. Attached as **Exhibit 2** and filed under seal are medical records provided by Jack Abramoff's
5 attorney, Richard Weber, Partner, Winston & Strawn LLP, on January 5, 2025. I emailed
6 this document to Mr. Andrade's defense team on January 7, 2025. This document is Bates-
7 numbered FBI-302-034386.
- 8 3. Attached as **Exhibit 3** and filed under seal are medical records provided by Jack Abramoff's
9 attorney, Richard Weber, Partner, Winston & Strawn LLP, on January 5, 2025. I emailed
10 this document to Mr. Andrade's defense team on January 7, 2025. This document is Bates-
11 numbered FBI-302-034431 to FBI-302-034433.
- 12 4. Attached as **Exhibit 4** and filed under seal are medical records provided by Jack Abramoff's
13 attorney, Richard Weber, Partner, Winston & Strawn LLP, on January 5, 2025. I emailed
14 this document to Mr. Andrade's defense team on January 7, 2025. This document is Bates-
15 numbered FBI-302-034436 to FBI-302-034440.
- 16 5. On November 14, 2024, I learned for the first time that Jack Abramoff might have cancer but
17 that additional tests were needed to confirm the diagnosis and treatment plan. Shortly after
18 November 14, 2024, I requested medical records from Attorney Richard Weber that would
19 confirm Mr. Abramoff's cancer diagnosis, symptoms, and treatment.
- 20 6. On December 19, 2024, Attorney Weber emailed me the name and resume of Mr.
21 Abramoff's treating oncologist, Dr. Nina Wagner-Johnston, Professor of Oncology, Director
22 of Hematologic Malignancies, National Capitol Region, Sidney Kimmel Cancer Center at
23 Johns Hopkins University. I reiterated the need for additional medical records pertaining to
24 Mr. Abramoff's cancer diagnosis.
- 25 7. On December 20, 2024, I sent out two subpoenas for Mr. Abramoff's medical records to the
26 institution treating Mr. Abramoff and to his physician.

8. On December 23, 2024, government counsel and defense counsel held a telephonic meeting to discuss various issues related the upcoming trial. During that meeting, I informed Andrade's defense team of Abramoff's cancer diagnosis and stated that a Rule 15 deposition likely would be appropriate. I also informed defense counsel that I was in the process of obtaining medical records to confirm Mr. Abramoff's cancer diagnosis, treatment, and symptoms.

9. Attached as **Exhibit 5** and filed under seal is a letter from Dr. Nina Wagner-Johnston to AUSA Highsmith regarding Jack Alan Abramoff, dated Dec. 24, 2024, which was provided by Jack Abramoff's defense counsel, Richard Weber, Partner, Winston & Strawn LLP, to me on December 25, 2024. I emailed this document to Mr. Andrade's defense team on December 26, 2024. In the body of my email to Andrade's defense team I emphasized that a Rule 15 deposition of Mr. Abramoff may be necessary given his medical condition and the related circumstances.

10. I continued working to obtain medical records from Mr. Abramoff's counsel and the medical institution treating him. On January 5, 2025, Attorney Weber, Mr. Abramoff's counsel, emailed me approximately 55 separate PDF attachments consisting of medical records for Mr. Abramoff.

11. On January 7, 2025, I forwarded the 55 PDF documents consisting of medical records for Mr. Abramoff to Andrade's legal team. In my email accompanying the medical records, I requested that Andrade's defense team stipulate to a Rule 15 deposition for Abramoff given his medical condition. Meanwhile, I continued to seek medical records from the Johns Hopkins hospital system.

12. On January 7, 2025, I spoke with the hematology oncology nurse navigator referenced in **Exhibit 5**, Dr. Wagner-Johnston's Dec. 24, 2025 Letter, regarding Abramoff's chemotherapy treatment schedule. *Id.* The nurse navigator stated that Abramoff is undergoing active treatment for lymphoma, which includes several cycles of chemotherapy treatment. *Id.* She further stated that Abramoff received his first cycle of chemotherapy treatment on or about

December 11, 12, and 13, 2024, and his second cycle of treatment January 1 and 2, 2025. *Id.* She stated that Abramoff is scheduled to receive a third cycle of treatment on January 22 and 23, 2025, and likely would receive a fourth cycle of treatment on or about February 12 and 13, 2025.

13. On January 9, 2025, the government's trial team conferred with Andrade's trial team during a videoconference. The parties discussed stipulating to a Rule 15 deposition. Andrade's defense team asserted that they were not necessarily opposed to an in-person Rule 15 deposition in principle but that they needed additional medical and treatment records before agreeing to stipulate to a Rule 15 deposition. Undersigned counsel for the government agreed to provide additional medical records as soon as he received them.

14. Attached as **Exhibit 6** and filed under seal is a letter from Dr. Nina Wagner-Johnston to AUSA Highsmith regarding Jack Alan Abramoff, dated Jan. 7, 2025, which was provided by Jack Abramoff's defense counsel, Richard Weber, Partner, Winston & Strawn LLP, to me on January 13, 2025. I emailed this document to Mr. Andrade's defense team later the same day. In the body of my email to Andrade's defense team I emphasized that a Rule 15 deposition of Mr. Abramoff may be necessary given his medical condition and the related circumstances.

[*Remainder of page intentionally left blank.*] 1

15. I have worked to obtain Mr. Abramoff's medical records from Johns Hopkins Health System, their subpoena response center, and counsel for Johns Hopkins. Due to the sensitivity surrounding patient medical records and HIPPA, the hospital system and their counsel have been slow in providing records. To date, I have not received any medical records from Johns Hopkins or their counsel. As of the filing of this motion, defense counsel have not agreed to stipulate to a Rule 15 deposition for Mr. Abramoff.

Executed this 15th day of January, 2025, in San Francisco, California.

/s/ Christiaan Highsmith
CHRISTIAAN HIGHSMITH
Assistant United States Attorney